

S.B.CRIM.MISC. PETITION NO.659/2006

**Smt.Savitri Devi
Vs.
State of Rajasthan & Anr.**

Date :: 03.07.2006

HON'BLE MR.JUSTICE H.R. PANWAR

Mr.Narpat Singh, for the petitioner.

The petitioner has filed the instant criminal misc. petition under Section 482 Cr.P.C., challenging the order dated 19.01.2006 passed by learned Sessions Judge, Pali (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 29.10.2005 passed by the Additional Chief Judicial Magistrate, Pali (for short "the trial court" hereinafter) was dismissed.

Both the courts below concurrently found that the petitioner was not entitled for maintenance under Section 125 Cr.P.C.

From perusal of the order impugned, it appears that respondent No.2 is a 75 years old, he is a sick person and not in a position to maintain even himself, whereas, the

petitioner having three daughters; one is Lecturer, second is Nurse and third is Constable, though they all are earning members yet the petitioner did not seek maintenance from them and seeks maintenance from a person, who himself is not in a position to maintain himself. From the record, it nowhere appears that the petitioner has any source of income. The petitioner has availed one revision before Sessions Judge, Pali and seeks second revision in the garb of petition under Section 482 Cr.P.C.

In view of the above, it cannot be said that the orders impugned would result in manifest injustice or abuse of process of any court warranting interference under inherent jurisdiction.

The criminal misc. petition is, therefore, dismissed.

[H.R. PANWAR],J.

Ashwini/-